

Application No: 14/0114M

Location: HARMAN TECHNOLOGY SITE AND ADJ LAND, ILFORD WAY, TOWN LANE, MOBBERLEY, KNUTSFORD, CHESHIRE

Proposal: Hybrid planning application for mixed-use redevelopment seeking: A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting. C. Outline planning permission for construction of dwellings, associated infrastructure, landscaping and other associated works (means of access).

Applicant: Argonaught Holdings Ltd c/o LPC Living Ltd

Expiry Date: 11-Apr-2014

**Date Report Prepared:** 25 June 2014

#### **SUMMARY RECOMMENDATION**

Approval, subject to conditions.

#### **MAIN ISSUES**

- The principle of the development;
- Loss of a site allocated for employment purposes;
- Housing policy and supply;
- Need for additional affordable housing in the area and viability issues;
- Education contribution and school provision issues;
- Creation of new public open space;
- Sustainability of the site;
- Impact on highway safety and traffic generation;
- Noise issues from the adjacent industrial estate and aircraft;
- Design, layout and density considerations;
- The scale of the proposal and any impact of the height, mass, bulk on the character and appearance of the area;
- Amenity implications;
- Other environmental issues;
- Flooding and drainage;
- Impact on landscape, trees and ecology;
- Redevelopment benefits;
- Phasing; and
- Heads of Terms for a Legal Agreement.

## REASON FOR REPORT

The application has been referred to Strategic Planning Board because it is a large-scale major development.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

## DESCRIPTION OF SITE AND CONTEXT

The application site extends to approximately 22.9 hectares and provides an assortment of bespoke industrial, warehouse and office space, which is largely vacant. The industrial site is occupied by Harman Technology Limited.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under Policies E3 and E4. These policies allow for offices (Class B1(a)), research and development (Class B1(b)), and light industrial (Class B1(c)), general industry (Class B2), warehousing (Class B8), high technology (Class B1(b)), and light industry (Class B1(c)) usage.

The adjacent field, which also forms part of the application site, is not used, and forms part of the green belt.

The site is surrounded to the south and south west by housing as part of Mobberley village. Mobberley Brook and a small waste water treatment works bound the site to the north east, separated by a line of trees as part of a landscape buffer. Open countryside surrounds the rest of the site.

## DETAILS OF PROPOSAL

This hybrid planning application seeks consent for a mixed-use redevelopment comprising:

- A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting; and
- A. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting;
- B. Outline planning permission for construction of up to 375 dwellings, associated infrastructure, landscaping and other associated works (means of access); and
- C. An optional outline planning permission for construction of two storey office development comprising approximately 1,431m<sup>2</sup>/15,403ft<sup>2</sup> gross floorspace, with space for approximately 34 parking spaces.

## RELEVANT HISTORY

Ilford's have been manufacturing (*specialising in black and white photography*) on the Mobberley site for 106 years. The original Ilford's site and premises fronting Town Lane have since been redeveloped as part of the Barratt housing scheme. The remaining site to the north was purpose built between 1980 and 1982 and reflected the campus style of a large corporate business in the 1980s.

Ilford were placed in receivership in August 2004, however following a management buy-out, the new company (now known as Harman Technology Ltd) continues production of black and white film and fine art inkjet papers.

At the height of the operation there were some 1,700/1,800 staff on site. Now there are approximately 200. The current industrial/warehousing accommodation and layout is inefficient and does not currently meet the company's modern day requirements. The application proposals seek to consolidate the Harman's operation and provide new modern efficient accommodation for their business.

Although there have been numerous historic planning application on the site, none are relevant to this current application for the redevelopment of the site.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Local Plan Policy:**

The part of the application site currently occupied by Ilford's is allocated as an industrial site and is within the settlement boundary for Mobberley. The open areas to the north and east are allocated as Green Belt. The Mobberley Conservation Area is to the east of the industrial site, and includes within it the proposed open space/recreation field. Therefore the relevant Local Plan policies are considered to be: -

### **Built Environment Policies:**

Policy BE1: Design Guidance

Policy BE3: Development adjoining conservation area

Policy BE4: Conservation areas

### **Development Control Policies:**

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC35: Materials and Finishes

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC41: Infill Housing Development

Policy DC63: Contaminated Land

**Employment Policies:**

Policy E1: Retention of existing and proposed employment areas

Policy E3: Business

Policy E4: General Industrial Development

**Transport Policies:**

Policy T1: Integrated transport policy

Policy T2: Provision of public transport

Policy T3: Improving conditions for pedestrians

Policy T4: Provision for people with restricted mobility

Policy T5: Development proposals making provision for cyclists

Policy T6: Highway improvements and traffic management

**Environment Policies:**

Policy NE2: Landscape character areas

Policy NE14: Natural habitats

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE17: Nature Conservation in Major Developments

Policy NE18: Accessible areas of nature conservation from residential properties

**Housing Policies:**

Policy H1: Phasing policy

Policy H2: Environmental Quality in Housing Developments

Policy H5: Windfall Housing

Policy H8: Provision of Affordable Housing

Policy H9: Occupation of Affordable Housing

Policy H13: Protecting Residential Areas

**Recreation and Tourism Policies:**

Policy RT1: Recreational land and open space

Policy RT2: Open spaces/amenity areas in residential areas

Policy RT5: Standards for open space provision

**Green Belt Policies:**

Policy GC1: Greenbelt boundaries

**Implementation Policies:**

Policy IMP1: Development Sites

Policy IMP2: Transport Measures

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

### **Other Material Considerations**

- Cheshire East Interim Planning Policy: Release of Housing Land
- Cheshire East Interim Planning Statement: Affordable Housing (Feb 2011)
- Cheshire East Interim Planning Policy: Release of Housing Land (Feb 2011)
- Cheshire East Interim Planning Statement: Affordable Housing (Feb 2011)
- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)

## CONSULTATIONS (External to Planning)

### Strategic Highways Manager:

Access to the site will be via the existing access arrangements at Ilford Way where there is a priority junction with Mobberley Road. There is no vehicular access to Smith Lane but there is a pedestrian access provided. There is already a commercial use on the site, Harman Technology are not proposing the scale of activity to change on the site. The same number of employees, 211, is to remain on the site with these development proposals, the trip generation associated with the current use has been surveyed and the trips in and out the site is some 90 in the morning peak and 60 in the evening peak.

As the Harman Technology operation will remain generally the same, the highway impact to consider is the additional residential development of up to 375 units on the site. The trips associated with the residential element has been based upon Trics database rates, the morning peak would have 239 trips two-way and the evening 259 two-way trips.

The trips have been distributed on the road network on the basis of workplace destinations from the Mobberley ward from data in the 2001 census. The destinations of trips can be broken down as shown in the Table.

Peak Hour	Destination	Proportion of Traffic	
		Arrivals	Departures
AM Peak	Town Lane E	51%	57%
	Knutsford Road	30%	33%
	Smith Lane N	19%	10%
PM Peak	Town Lane E	54%	55%
	Knutsford Road	31%	30%
	Smith Lane N	15%	14%

The background traffic flows used to assess the development were taken from traffic counts undertaken in 2013 at various junctions. The flows were the projected forward using TEMPRO rates to an assessment year of 2018 for the development.

A number of junctions on the local road network have been assessed in regards to their capacity and these are as follows:

1. Town Lane / Ilford Way - Priority Junction;
1. Town Lane / Smith Lane – Priority Junction;
2. Ilford Way / Marion Drive – Priority Junction;
3. Brook Street / Hollow Lane – Signal Junction; and
4. Knutsford Road / Broadoak Lane – Priority Junction.

Although the scope of assessment has been agreed with the applicant, the junction of Adams Hill /Toft Road should be included in the assessments as the development will also have an impact at this junction as it is very close to the Brook Street / Hollow lane junction.

As would be expected all the local priority junctions close to the site work within capacity limits in the assessment year in 2018. The applicant has submitted a Linsig assessment of the signals at the Brook Street/ Hollow Lane junction that indicate that the junction will be operating over capacity in 2018 with development in place. However, the conclusion reached is that overall the additional traffic would not have significant impact on the junction.

A number of recent planning applications have undertaken capacity assessments of the Brook Street / Hollow lane junction using 2013 counts and have found that the DoS (degree of saturation) to be higher than presented in the applicant's assessment, therefore the applicant has under estimated the development impact. It is clear from the capacity assessments undertaken by CEC and external consultants that the Brook Street/Hollow Lane junction will be operating well in excess of 100% DoS with very long queues forming. This development proposal will likely add a further 73 additional trips using average trip rates in the PM peak to the flow passing through the junction, given that there already is a serious capacity issue at the junction then this additional development traffic would only make matters worse.

With regard to accessibility, there are existing footways on both sides of Town Lane and also on Ilford Way leading into the site. There are no footways on Smith Lane to the west of the site as this a rural country lane. The site can safety is accessed by pedestrians and as such there are no issues raised regarding walking accessibility to the site. There is a bus service that runs hourly through Mobberley and connects with Knutsford, Wilmslow and Altrincham, the bus stops with shelters are located approximately 50m east of the Ilford way junction and are on both the westbound and eastbound sides of Town Lane. Overall, the site can be considered to be accessible to non-car modes.

A site plan has been submitted with the application although this is indicative plan only being an outline application and therefore no detailed comments concerning the internal road layout have been made. The design of the internal road system will be dealt with at the reserved matters stage.

#### **Environmental Health Officers (EHO):**

##### **NOISE:**

In relation to noise, the acoustic environment at this location is substantially affected by:

- Aircraft noise from Manchester airport flight path;
- Industrial noise from Harmon Technologies existing cooling towers; and
- Railway noise (However, this is not considered significant)

It is the Environmental Health Officers view that the cumulative impact of the aircraft and to a lesser degree the industrial noise sources would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

If granted permission, it is the EHO's view that there will be a significant adverse impact on health and quality of life, arising from the existing noise climate at this location.

The indoor living environments will depend on extensive mitigation measures to achieve a satisfactory acoustic environment, such as non-opening windows, a mechanical ventilation system required in bedrooms with no openings in the facades of these rooms (bedrooms), which will also include trickle ventilators.

If permission were to be granted for housing at this location, then a number of conditions are recommended to ensure that all residential habitable rooms are acoustically insulated through a noise mitigation scheme and a site Construction Environmental Plan (to avoid occupants of the first houses constructed being adversely affected by later stages of the construction) is also imposed. Industrial noise conditions are also recommended for the new Harmon site.

#### **AIR QUALITY:**

With regard to air quality an Air Quality Impact Assessment has been submitted with the application. The report concludes that modelled impacts from road traffic on air quality conditions for residential units on the proposed development site will be below the air quality objectives. In addition, it is not anticipated that emissions from the existing industrial use or emissions from aircraft will be significant. Mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. Conditions should be attached which require a residential Travel Plan to be submitted and agreed, and Electric Car Charging Points should be provided on car parking spaces.

#### **ODOUR/DUST CONTROL:**

The odour assessment concludes that the odour from the Sewage Treatment Works is unlikely to cause a nuisance within the proposed residential development. With regard to dust control, a condition should be attached to control dust emissions arising from demolition / construction activities on the site.

#### **CONTAMINATED LAND:**

This application site is adjacent to an existing industrial estate and therefore, the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land officer recommends that further investigations are required to allow the preparation of a suitable remedial method statement. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

#### **Environment Agency (EA):**

Raises no objections in principle to the proposed development subject to the conditions and informatives which relate to the

Raises no objections in principle to the proposed development subject to the conditions and informatives which relate to the provision of a surface water regulation system and scheme to reduce the risk of flooding for future occupants.

#### **United Utilities (UU):**

No objection subject to the following conditions being met:

- A public sewer crosses this site and United Utilities will not permit building over it. UU will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a watercourse and may require the consent of the riparian owner.

For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

United Utilities can readily supply water for domestic purposes, but for larger quantities we will need further information. Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

**Public Rights of Way Team (PROW):**

No objection subject to conditions as the development does not adversely affects a Public Footpaths, Mobberley FP11a extinguishment, Mobberley FP13 (part) diversion, Mobberley FP13 (part) extinguishment and Mobberley FP13a extinguishment.

**Sport England:**

No comments received.

**Natural England:**

Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Manchester Airport Group (MAG):**

Manchester Airport were consulted prior to submission, and did not raise any concerns subject to the inclusion of suitable conditions relating to crane heights, landscape and bird hazard management, lighting and drainage and flood risk.

Similar comments have been made within the formal consultation response and the Airport has confirmed that it does not have any objections to the proposal subject to complying with these conditions.

**Archaeology Planning Advisory Service (APAS):**

In July 2008 the University of Manchester Archaeological Unit prepared an archaeological desk-based assessment, which considered the archaeological implications of any re-development of the above site. The study concluded that the potential of the area was limited due to the extensive disturbance that would have accompanied the construction of the current works. It was noted, however, that the line of the Roman road from Middlewich to Manchester, as recorded in the Cheshire Historic Environment Record, crosses the site and fragmentary remains of the road may survive in the few, less disturbed parts of the site. In particular, a small area of open ground at the south-western limits of the, to the north of the sports' ground, appears to have the most potential for the survival of remains of the road, similar to those recently uncovered at Manchester Airport and on the outskirts of Middlewich.

It is not suggested that this potential is significant enough to generate an archaeological objection to the development or to justify any further pre-determination work. In line with the recommendations contained in the 2008 study, however, it is advised that in the event that planning permission is granted, the area of open ground referenced above should be subject to a programme of targeted trenching in order to identify and record any traces of the road. A single, machine cut trench measuring c 40m long should be sufficient to accomplish these aims. A report will also be required and the mitigation may be secured by condition.

### **The School Organisation and Capital Strategy Manager (Education):**

The Education Department have stated that the current position in the village is that Mobberley Primary School cannot accommodate all of its in area pupils and in light of this the Education Department is already looking at expanding the school, however this in itself is proving difficult in that the school site is undersized and therefore the proposal has been based on the acquisition of additional land. Education Department have stated that the existing proposal for the school does not take into account nor does it provide space for the additional pupils which are expected from this application site. Given the difficulties in accommodating the current pupil numbers on the existing school grounds then the Education Department have requested a level and fully serviced site to be provided by the developer and the contribution of £737,548 (for the pupils generated) towards the cost of relocating Mobberley Primary School onto the site. In the event that the Local Authority can expand the school on its existing site then the land will be returned to the developer after a period to be agreed.

### **Housing Strategy and Needs Manager (Affordable Housing):**

The Councils Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure. However a 50/50 mix has been agreed for this site.

The Housing Strategy and Needs Manager have raised objection to the application as the provision of 15% Affordable Housing would not accord with the adopted policy.

### **Jodrell Bank:**

The application site is located outside of the Jodrell Bank Consultation Zone. Therefore their consultation response dated 27 January 2014 from the Jodrell Bank Observatory is a standard response and does not relate to the application site. No observatory related conditions are required.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Mobberley Parish Council, have objected to the application on the following grounds:

- Scheme would conflict with the Local Plan;
- Cheshire East Council has a housing land supply;
- The presumption in favour of sustainable development in the NPPF is not engaged;
- Too many dwellings proposed;

- Represent an increase in the village of 25-30%;
- Application contrary to the Parish Plan;
- Paramount importance to maintain the character of the village and its village status;
- The low level (5%) of affordable housing proposed;
- The type of housing proposed within the application does not reflect the needs of the area;
- There is insufficient representation of dwellings for single and elderly people;
- There must be some retention of the employment allocation (in addition to Harman's) to facilitate start-up or small-scale employment development;
- The development and parking associated with this open space would be disproportionate and constitute inappropriate development;
- The change from agricultural use to a management regime for this land would introduce an unacceptable urban influence into the rural area, which would not preserve or enhance the character or appearance of the Conservation Area;
- The roads and footways around the site are inadequate to cope with the increase of traffic that this proposal will invariably bring. The application does not adequately address how these problems will be resolved;
- Our local school is already oversubscribed, as are the schools in Knutsford.

## **REPRESENTATIONS**

The application has been advertised in accordance with the General Development Management Order 2010, in this case originally incorporating the following elements:-

- On site, by the means of a three site notices on Smith Lane, Town Lane and Great Oak Square making reference to major planning application that affects a right of way and is a departure;
- Site notice were posted on 22 January 2014;
- Notice was published in the local press (Knutsford Guardian) on 22 January 2014; and
- Surrounding residential properties have also been written to directly.

The original publicity period for this application expired on 12 February 2014.

Following amendments to the scheme being received interested parties who commenting on the application were re-notified and the publicity period for the re consultation expired on 6 June 2014.

## **Local Ward Councillor**

Cllr Jamie Macrae (Mobberley Ward) has objected to the application and his comments are detailed below:

### **SITE ALLOCATION AND LAND DESIGNATION:**

This Hybrid application includes both developed land currently allocated for employment use, as allocated in the Macclesfield Local Plan together with adjacent un-developed land within the Green Belt and included within the Mobberley Conservation Area. The site has not been included as a Strategic Housing site within the emerging Cheshire East Local Plan Core Strategy, and has been classified as a Non-Preferred Site ( ref NPS54 ) following the pre-submission consultation November 2013 ( additional sites ).

Taking account of the current planning use I do not object to the principle of redevelopment of the buildings and structures associated with the employment uses within the developed area of the application site. The site is referred to as a 'brown field site', as developed for employment use, it is clearly currently "active" with the majority of the buildings being operational albeit under utilised for the current business requirements for Harman Technology. The proposed none employment uses, predominantly residential (outline application) for up to 375 houses is in direct conflict with the current employment allocation.

#### LOCAL HOUSING NEEDS AND AFFORDABLE HOUSING:

Cheshire East Council has recently confirmed, that in accordance with CLG statutory guidance it is confident that it has identified a 5-year supply of readily available housing land + 5% for the emerging Core Strategy period. As such, the presumption in favour of sustainable development evidenced by the National Planning Policy Framework is not engaged.

Taking account of the residential site allocations as identified in the final draft of the core strategy both in the nearby settlements of Knutsford and Wilmslow area together with additional applications currently being considered (inc. 200 houses at the nearby Parkgate employment site), the proposal to include up to 375 additional houses in Mobberley cannot be justified or evidence based and would represent an increase in the village of 25-30%. (the current mixed housing stock being approximately 1450). This would also be in conflict with the adopted Mobberley Parish Plan.

Over the past 15 years the Parished area of Mobberley has accommodated a significant level of growth from approximately 1200 to 1450 houses, with 200 of the new houses being built on former employment land (inc. of 100 houses at the Ilford site). To safeguard the assets of the village and maintain its village status and character, I consider that in consideration of any housing growth the maximum figure should be in the region of 10% phased over the forward plan period and addressed when CEC considers local sites allocations in the near future.

The application proposes an unacceptably low level of affordable housing at 5%, and is not justified by the information provided on ground contamination and other essential demands on the developer in respect of a viability argument. Any housing development in Mobberley and surrounding rural settlements must address the most pressing need for mixed affordable housing allocations to meet the known demand. I include below the 2013 Strategic Market Assessment for Mobberley – Chelford – Alderley Edge.

*"The site falls within the Mobberley, Chelford and Alderley Edge sub area for the purposes of the Strategic Housing Market Assessment update 2013. This highlights a requirement for 87 affordable homes per annum for the period 2013/14 – 2017/18, broken down this is a requirement for 16 x 1bd, 17x 2bd, 11x 3bd and 13x 4+bd general needs units and 9x 1bd and 22x 2+bd older persons accommodation*

*In addition, information taken from Cheshire Homechoice, the Council's choice based lettings system shows there are currently 32 live applicants who have selected the Mobberley lettings area as their first choice. These applicants require 5x 1bd, 13x 2bd and 13x 3bd units, 1 applicant did not specify a bedroom size"*

The type of housing proposed clearly does not reflect the needs of the area and the indicative layout comprises almost entirely family accommodation, which is already well provided for in

the village, and will not deliver the essential affordable element, particularly needs of dwellings for single and elderly people, which, as the Parish Plan also identifies as, a priority requirement in the area. The proposal to deliver 18 to 20 “affordable Houses” for such a scale of development is perverse.

#### FUTURE EMPLOYMENT LAND AND NEEDS:

The Draft Local Plan Core Strategy identifies the need for additional employment land to enable growth in the economy of Cheshire East. As already stated all of the employment sites in Mobberley have been developed over the past 15 years for housing, these sites allowed incubation and start up business to grow. The nearby Parkgate housing application is for land designated for employment, and will effectively remove all the remaining employment land locally when there is already a shortage. I therefore consider it is essential that any redevelopment of the Harman site includes for future employment allocation for growth businesses, in addition to the needs of the main employment use.

It is the lack of employment land and incubator sites locally which is driving businesses and employment to areas such as Lostock and Northwich ( CW&C). Housing provision is important but jobs and opportunity in this location is essential. The re-development of the Rajar site included such a provision and is fully occupied.

#### OPEN SPACE AND COMMUNITY FACILITIES

The proposal includes for development of agricultural land within the green belt to the east of the employment site and proposed residential development. Open space and playing fields (sports uses) would not, of itself, be an inappropriate use. However, the built development and parking associated with the open space would be disproportionate and, therefore, constitute inappropriate development. In addition, this land forms a part of and the setting to the Mobberley Conservation Area. The change from agricultural use to a management regime for this land would introduce an unacceptable urban influence into the rural area, which would not preserve or enhance the character or appearance of the Conservation Area and, thereby, cause harm.

The Village of Mobberley is well served by existing public open space within the vicinity of the site including 3 children’s play areas, recently upgraded, a football pitch adjacent to the existing Harman site and 30 acres of public open space land off Town Lane recently acquired by the Parish Council. The sustainability accreditation for the scheme is lacking in terms of the economic, social and environmental audits and the indicative layout shows scant regard for this, which again would be contrary to the Parish Plan provisions. In particular, the scheme would deliver no built social contribution, such as shops or make contribution to the existing village facilities. The open space offered is merely a way (some might say cynical way) of maximising the level of development on the brown field land at the expense of the surrounding countryside and Conservation Area.

#### TRANSPORT AND HIGHWAY INFRASTRUCTURE:

The transport audit for the site is lacking and fundamentally flawed in the assessment of travel mode and vehicle generation. Moreover, the roads including the B5085, and footways around the site are inadequate to cater for the increase in all forms of traffic and nowhere does the application indicate adequately how these difficulties would be reconciled. The proposed development could generate up to 3000 additional vehicle movements per day if calculated by

car ownership for 375 houses, in addition to the 100 houses already accessing Town Lane and shared access for the 250 employees.

#### EDUCATION NEEDS:

The education facilities in Mobberley at infant and primary school level are already under severe stress and unable to cater for all the children in the village with children currently being placed elsewhere in Knutsford. Education provision has been recently assessed by CEC and formal consultations are currently underway for the expansion of both Mobberley Primary School and Manor Park in Knutsford. The proposed expansion will enable the current projected shortfall of school places (10 per year) to be met through to 2018, for Mobberley an additional 70 places. This expansion does not allow for any additional education provision as a result of new housing on this scale. The financial contribution (£737,548) would not provide for children being educated locally, the expansion of the school numbers as proposed and the physical limitations of even further build in the Schools current location cannot be accommodated.

#### ENVIRONMENTAL PROTECTION:

The application identifies the need to address the environmental health implications of residential development within the vicinity of Manchester Airport. The site partly sits within the 60 Leaq contour which will result in additional sound insulation in homes to mitigate against aircraft noise. This only partly addresses the issue as outside space, gardens and public space cannot be addressed in this way. Although PPG24 has been removed along with other guidance, the environmental protection of residents must be addressed. In addition the noise footprint is likely to increase in future years day and night time as Manchester is only operating at approximately 50% capacity with 80% of aircraft departing to the west over Mobberley.

I also wish to raise concerns within respect of the Public Safety Zone (PSZ) associated with the airport operations. The current PSZ reaches the boundary of the site to the north, and the size and shape of the PSZ's are being reviewed by the CAA and may have implications of development. It is not clear from the application if the safety obligations and safeguarding required by Manchester International Airport would be met.

Following amendments to the scheme, Councillor Macrae has stated that the minor concessions made since the original application do not in any regard address the issues that he raised in his original objection. The reduction of 15 dwellings from 375 to 360, clearly demonstrates that the applicant has no intention of addressing the substantive issues raised in the original objections, the small concession to introduce 1,431sq m of Class B1 office space is considered a 'gesture'.

Councillor Macrae also stated: -

- Firstly I fully concur with the response from Environmental Health with regards to the reasons and conclusions reached in respect of the environmental impact on Health of residents living within the high level noise footprint as a result of overflying aircraft.
- In this regard I have also discussed the issue with Children and Families regarding their consultation comments on provision of onsite education provision to meet the increased school demands. Clearly this would be an unacceptable environment for the location of education facilities.

- With regards to the Consultation response from Highways, I consider there are two issues. Firstly the access road from Town Lane (B5085) was redesigned to meet the development of the 100 dwellings recently built at the south end of the site, which included Class B1 office development. The access road has now become a 'car park', hence this shared access to the existing businesses, residents and Harman Technology is no longer a free flow to the junction. CEC Highways are reviewing the issues and may introduce TRO's to stop parking on this stretch of the Highway. Secondly there is a presumption that the proposal to construct up to 360 dwellings will have a major impact on the congestion at junctions in Knutsford on the B5085 Hollow Lane junction with Brook Street? The majority of the residents in Mobberley either rely on local services or those in the Wilmslow direction. Indeed the work flow commuter travel pattern is towards Manchester Airport and Wilmslow. The requirement for a commuted sum for highway works in Knutsford is unacceptable, bearing in mind there are pressing issues of 'bottle necks' on the B5085 in Mobberley and beyond on the B5085.

### Amenity Groups:

Residents against Mobberley Sprawl (RAMS) have objected to the application on the following grounds:

- **Scale** - Most of our member's objection to this development are about destroying the character of the village. Mobberley village has already grown by over 200 dwellings in the last 10 years, and the addition of nearly 400 new homes (likely to amount to over 1000 new residents) will irreparably change the character of the village forever and turn it into a town. RAMS also note current guidelines recommend a village should grow by no more than 10% over a 10-15 year timeframe. With Mobberley currently having around 1400 dwellings, the maximum number of new houses we would expect over this period should be no more than 140.
- **No Evidence Of Need** – There is no evidence to support there is demand for such a large number of houses. Recent data from Cheshire Homechoice state there are only 32 requests for lettings in Mobberley at the moment. Furthermore, significant space has been allocated in the new local plan for housing growth in nearby Wilmslow and Knutsford, including a 250 dwelling development that has recently been granted planning permission to the north of Parkgate Industrial Estate, less than two miles away. Cheshire East Council has published its latest assessment of housing land supply in the borough – which shows that the authority now has more than a five-year supply of housing land, inclusive of a crucial five-per cent buffer for choice and competition. These homes are demonstrably **not needed** to meet planned housing demand.
- **Change of Use** - The Ilford Way site is currently a commercial business site which provides considerable employment. This is not a proposal to knock down a derelict gasworks - ***all of the buildings on the site are still in use***. Furthermore, if this site is converted to mainly residential use, where will land be found to retain space for commercial activity in the village - as mandated in the current local plan?
- We believe this area of land should remain as a business park to provide future employment to the village and not be changed to residential use. With the advent of fibre broadband coming to the village and our closeness to the airport and motorways the site if redeveloped could be an attractive location for start-up businesses.
- **The site is a 'non preferred site' in the new Local Plan** – The draft of the new Cheshire East Local Plan which is due for completion this year has determined this site to be a 'non

preferred site' in the site allocation documentation, with other sites in Knutsford and Wilmslow being preferred for development.

- **Lack of Affordable Homes** – RAMS notes that the developer is looking to reduce significantly the number of affordable homes on the site to ensure the development is viable. We dispute their figures and believe they are underestimating the value of the properties they intend to build. 5% affordable housing on a site this size is simply too small and would not benefit the village or younger residents looking to remain in the village when they buy their first home.
- **Traffic** – Over 1000 new residents will bring hundreds of new cars to our busy village roads. The site feeds directly onto Town Lane, which is already extremely busy and backs up during rush hour. 800 cars trying to get out of the proposed estate for work in the morning would be a nightmare for local residents. There is also a proposal for an additional exit onto Smith Lane, a country road that reduces to a single track in places. The road is wholly unsuitable for that amount of traffic. We have also been informed that a development of this size would result in **4000** additional vehicle movements every day in the area. The traffic survey put forward with the proposal concludes there would be less new traffic generated than when the site was employing a large number of people many years ago. We dispute this conclusion – and furthermore state the survey doesn't take into account that the village has grown nearly 20% in the last 10 years and that Town Lane is much busier with traffic going to and from Knutsford/Wilmslow than it was previously.
- **Parking** – Parking at our local co-op and other shops is extremely limited and at peak times it's very difficult to get into the car park. This results in cars parking on Town Lane, further exasperating the traffic situation. 800 new cars in the village would make this even worse.
- **Schooling** – Our [outstanding](#) village school is already massively oversubscribed and according to LEA figures there are already 30-40 children in the village for each cohort in 2014 and 2015, when the school only has 20 places. The school has recently gained permission to expand significantly just to cope with current demand – and even after this expansion some local children will miss out. Furthermore, ***schools in Knutsford are also full***. Manor Park, the nearest Knutsford school to the development is having to expand to keep up with local demand, even before 250 new homes are built near Parkgate.
- **GP Surgery** - The Mobberley village surgery is a single consultation room but is highly valued by the older residents and parents with young families. Getting an appointment here would become even harder and the majority of residents would have to drive to Knutsford for appointments.
- **Flight Path** – The development falls under the flight path for planes landing at Manchester Airport. We believe this is a safety risk and would like this to be confirmed by Cheshire East Council. RAMS also note that the development approved at Parkgate has had to be reduced in size as parts of it are below the same flight path that goes over this proposed development.
- **Football Pitch & Allotments** – There are plans to build changing rooms and a car park in this area, which is inappropriate use of green belt land, particularly as it borders onto Mobberley's conservation area. Mobberley already has a full size football pitch that is rarely used.
- **Wildlife** – As the site has been fenced off for many years, important wildlife has been able to develop on the site including bats, owls and great crested newts. We request that a

wildlife survey of the site should go ahead to establish which species are on the site and to determine their numbers.

- **Train Station** – The proposal states that many residents of the development could use the train station to travel to work. The parking at the train station is extremely limited, and the small number of trains that come through the station are already overcrowded during rush hour.
- **Parish Plan** – Mobberley has a complete and established parish plan which states: ‘Too many houses are being built in the village without benefits for Mobberley’ ‘Too few affordable/low cost houses are available in the Village’ “Planning permissions for re-builds are delivering disproportionate, structures that are leading to a material loss in the character of the Village” We believe this development contravenes all three of these points.
- **LPC Living** – The developers, owned by the [Pervaiz Naviede Family Trust](#) have no track record in rural developments. They specialise in large scale modern style urban developments in the UK and United Arab Emirates and we are concerned they will inherently not understand what would be appropriate for a village development.

#### **Local Residents:**

173 original letters of objections were received from local residents and their comments are summarised below. Following amendments to the scheme being received a further 44 letters of objections were received from local residents and their comments are also summarised below.

#### **Infrastructure Issues:**

- During the last 20 years, there have been significant residential developments at least 6 sites and all through this time there hasn't been any increase in infrastructure to keep pace with the rising population of the village;
- Mobberley does not need a large housing estate and does not have the infrastructure (road network, public transport, schooling, shops, local health facilities or car parking) in place to cope with the housing development;
- The public transport infrastructure is insufficient and consists of an hourly bus service Monday to Saturday (approx. between 7 to 7am) and a hourly train service is available Monday to Saturday, two hourly on a Sunday, peak time trains usually provide standing room only. There is very limited parking at the railway station, (6-8 space);
- The Village School is already oversubscribed and will not be able to accommodate the additional number children expected from this size of development. £735,000 offered by LPC Living is insufficient in negated the increase in population.
- There is no facility to improve the insufficient parking near local shops and services with access located along relatively narrow lanes;
- Train station has insufficient parking to sustain commuters;
- The Village is well served by existing public open space within the vicinity of the site including 3 children's play areas, recently upgraded, a football pitch adjacent to the existing Harman site and 30 acres of public open space land off Town Lane recently acquired by the Parish Council – the developer should be paying more attention in providing infrastructural improvements which are needed; and

- The sewerage farm which adjoins the site would have to be expanded greatly to cope with the great number of new residents, posing a pollution risk to Mobberley brook & also contributing to the devaluation of properties alongside the proposed new homes.

#### **Highways Issues:**

- Increased congestion through highways issues will effect the living conditions of local residents;
- Ilford Way and the traffic in Mobberley village is already a massive problem. The scale of this development will only exacerbate the situation by adding a considerable number of additional vehicles on the main road going through the village and on the surrounding country lanes. The country lanes are extremely busy and are extremely dangerous and the vast majority of accidents on these lanes do not get reported
- Concerns that there will be between 1000-3000 additional car movements.
- Smith Lane should be reduced from a 60 to a 30 mph.
- Pedestrians walking their children to and from school would be unsafe with so many extra cars on the roads and there are no footpaths at all on Smith Lane. Many of the surrounding roads are narrow country lanes, with Smith Lane in particular being single track in a number of places.
- The 30 mile zone already in place on Town Lane doesn't work
- The footpaths in Mobberley along Town Lane and Hall Lane are not wide enough for people to walk safely with so much extra traffic on the roads,

#### **Environmental issues:**

- The Environmental Report does not support the location of the development under the flight path of Manchester Airport - The site partly sits within the 60 Leaq contour;
- The current (Public Safety Zone) PSZ reaches the boundary of the site to the north, and the size and shape of the PSZ's are being reviewed by the CAA and may have implications of development. It is not clear from the application if the safety obligations and safeguarding required by Manchester International Airport would be met;
- The pollution could include, noise and fumes from heavy vehicles, noise and fumes from the plant, hazardous waste from the existing buildings if demolished. Further noise and pollution will be created as a result of the increase in the number of cars on the roads in the area if the development goes ahead;
- Risk of flooding is outlined in one of this reports-this seems to have been ignored in the revised plans;
- Any and all development should meet high environmental and urban design standards, i.e. Building for Life 12, Code for Sustainable Homes Level 4 or above;
- Wildlife Survey should be submitted due to the potential for European Protected Species.

#### **Neighbouring Amenity:**

- The new development backing onto Summerfield Road should retain the existing trees and public footpath to remain to reduce loss of daylight or sunlight, overlooking, overshadowing or affect the privacy of the occupiers.

#### **Housing Need and Affordable Housing:**

- There is a lack of affordable housing on the application (5%);
- There should be a high percentage, e.g. 30% affordable housing, preferably social rent; failing that, affordable rent. Shared equity should not be an option;

- Cheshire East Planning demonstrates sufficient scope for the next 5 years residential build;
- Cheshire Homechoice states that there have been only 32 requests for the village at the present time (14/04/2014);
- 250 unit residential development permitted under 2 miles away at Parkgate Industrial Estate and more in the local vicinity;
- The site has not been included as a Strategic Housing site within the emerging Cheshire East Local Plan Core Strategy, and has been classified as a Non-Preferred Site ( ref NPS54 ) following the pre-submission consultation November 2013 (additional sites);
- The proposal to include up to 375 additional houses in Mobberley cannot be justified or evidenced based and would represent an increase in the village of 25-30%. (the current mixed housing stock being approximately 1450 ). This would also be in conflict with the adopted Mobberley Parish Plan;
- Over the past 15 years the Parished area of Mobberley has accommodated a significant level of growth from approximately 1200 to 1450 houses, with 200 of the new houses being built on former employment land ( inc. of 100 houses at the Ilford site );
- The type of housing proposed clearly does not reflect the needs of the area and the indicative layout comprises almost entirely family accommodation, which is already well provided for in the village, and will not deliver the essential affordable element, particularly needs of dwellings for single and elderly people; and
- Accepted national planning policy that no village should be the subject of an expansion of more than 10% in a 10 year period?

#### **Design and Built Environment issues:**

- Properties appear to have little imagination on the design side and are particularly poor in supplying a range of home styles. The settlement currently has enough of this type of housing since the original new works back in the late 1980s at which time the community was promised that housing would benefit local families and provide affordable properties;
- Proposed housing density is too high;
- properties built should be in keeping with those that already exist on summerfield road ie detached and link detached 3 bedroom 2 story properties and not 3 story town houses which already exist elsewhere in the village;
- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the local environment.

#### **Loss of Employment Land:**

- Mobberley has lost much of its employment land to housing already and it should now be retained;
- What will happen to the promise of more jobs for our local young people if this site is ear marked for residential?
- The site is referred to as a ' brown field site ', as developed for employment use, it is clearly currently "active" with the majority of the buildings being operational albeit under utilised for the current business requirements for Harman Technology. The proposed none employment uses, predominantly residential (outline application) for up to 375 houses is in direct conflict with the current employment allocation.

#### **Miscellaneous:**

- The reduction in the proposed size of the development by 15 dwellings will have little material change to the considerable impact that the overall development would have on the village of Mobberley.
- The character, appearance and community cohesiveness of the village would be significantly impacted upon. Census data shows Mobberley village has already grown by over 80% in the last 10 years, and the further addition of nearly 400 new homes (likely to amount to over 1000 new residents) will irreparably change the settlement.
- The development could decrease the value of properties in both Mobberley and the surrounding villages and Knutsford.
- Poor notification of the proposed development. Should have been sent to local residents.
- No local jobs will be created by this housing.

2 letters of support were received which are summarised below:

- Aid young professionals in purchasing property in the local area; and
- Attract new generations to move into the settlement.

A full copy of all the comments made by the local residents toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Design & Access Statement incorporating details of Landscaping Scheme and Design Code;
- Planning Statement;
- Heritage Statement;
- Affordable Housing Statement;
- Employment Marketing Report by Savills;
- Energy Audit;
- Transport Assessment;
- Arboricultural Survey;
- Amphibian Survey Report;
- Bat Report;
- Code for Sustainable Homes Pre-Assessment Report;
- Residential Development Phase 1 Flood Risk Assessment;
- 15. Commercial Development Stage 1 Flood Risk Assessment;
- Phase 1 and Phase 2 Environmental Site Assessment;
- Extended Phase 1 Habitat survey;
- Landscape and Visual Assessment;
- Air Quality Impact Assessment;
- Statement of Community Involvement;
- Noise Assessment; and
- Proposed Heads of Terms for S106 legal agreement.

## **OFFICER APPRAISAL**

Having considered this application, it is the considered view that the main issues in this case are:

- The principle of the development;
- Loss of a site allocated for employment purposes;
- Housing policy and supply;
- Need for additional affordable housing in the area and viability issues;
- Education contribution and school provision issues;
- Creation of new public open space;
- Sustainability of the site;
- Impact on highway safety and traffic generation;
- Noise issues from the adjacent industrial estate and aircraft;
- Design, layout and density considerations;
- The scale of the proposal and any impact of the height, mass, bulk on the character and appearance of the area;
- Amenity implications;
- Other environmental issues;
- Flooding and drainage;
- Impact on landscape, trees and ecology;
- Redevelopment benefits; and
- Heads of Terms for a Legal Agreement.

### **The Principle of the Development:**

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making. *“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”* The: *“NPPF constitutes guidance for local planning authorities and decision-takers”*... and is: *“a material consideration in determining applications”*.

Paragraph 14 states: *“At the heart of the NPPF is a presumption in favour of sustainable development”*...*“For decision-taking this means” (unless material considerations indicate otherwise)...* *“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or*
- *Specific policies in this Framework indicate development should be restricted”*

The National Planning Policy Framework marks a shift in emphasis of the planning system towards a more positive approach to development. As the minister says: *“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”*.

The site is allocated as an existing employment area where policies E3 and E4 (which, normally permits Use Classes B1(a), B1(b), B1(c), B2, B8, B1b and B1c) apply. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for

employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes.

Policy EG1 of the Core Strategy (Submission Version) also states that *'Proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan.'*

Clearly the refurbishment and new build aspects of the proposal to meet the current and future business needs of Harman Technology are entirely appropriate for the site and fully accord with the economic development objectives of the Adopted and emerging Plan and the NPPF. As would be the proposal for small scale employment uses, located directly to the north west of the Harman buildings.

The proposals also include for play area, allotments/community growing space, football pitch and changing room with car parking is the green belt and is discussed in detail below.

This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of proposed employment land. These are:

- The delivery of up to 375 residential dwellings comprising a mix of detached, semi-detached, mews, apartments and bungalows. The indicative scheme provides a good mix of housing types. 15% to 23% of which is offered to be affordable;
- Provision of 8.4ha (20.6 acres) of open space; comprising; 18 allotments on approx 0.7 acres, Football pitch, Public open space around football pitch, Car parking for POS/football pitch, Changing rooms to Sport England standards and commuted sum payment to for future management and maintenance; circa £1.175m;
- Extensive landscaping, including a linear park and other incidental open space/landscaping within the residential area, including a three plays areas;
- Highway improvements to provide improved junction access to the site;
- Highways improvements to Knutsford Town Centre at the A537 Brook Street and Adams Hill. The amount of contribution would be £247,483;
- The site is unviable for further employment use and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area;
- An education contribution of £737,548;
- Increased spending in the local economy (£5.5m of additional retail spending generated within Mobberley and £3m of additional leisure spending generated);

- New construction jobs. The construction phase of the development would provide up to 563 full time equivalent jobs in the construction sector over 1 5 year period;
- New Homes Bonus. A development of up to 375 houses would generate approximately £3.25 million from the New Homes Bonus Scheme to CEC for investment in the local area;
- The site is previously developed, within the village envelope of Mobberley and has good access to the road network;
- There is an identified shortage of housing supply and a need for affordable housing; and
- The site is deliverable.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential-led development on this site is acceptable in this location and that a case to retain the entire site for employment land would not be sustainable. This is looked at in more detail below.

#### **Loss of a site allocated for employment purposes:**

The application site is designated for employment uses within the Macclesfield Local Plan.

Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

Developing part of the site for housing would not accord with the Adopted Plan allocation for the site. However, Policy EG3 of the Submission Version of the Local Plan also relates to existing and allocated employment sites, and recognises that a more flexible approach may be required in certain circumstances. It states that:

1. Existing employment sites will be protected for employment use unless:
  - i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or
  - ii. The site is no longer suitable or viable for employment use; and
    - a. There is no potential for modernisation or alternate employment uses; and
    - b. No other occupiers can be found.

The primary and most significant economic benefit of the proposals is the substantial investment into the Harman business, which will help to secure a sustainable and long term future for the business, safeguarding over 200 jobs. By downsizing Harman into appropriately sized accommodation, the business can operate far more efficiently than it does at present.

It is accepted that the existing buildings were designed for a specific use and are now out of date and not suitable for alternative occupiers. The redevelopment of the premises is necessary to enable a viable future for the company. However arguments for the application proposals are that the redevelopment of the rest of the site for industrial purposes is not realistic or viable in order to deliver the new Harman buildings.

Whilst it is accepted that the site is a remaining employment site in the area, the site is not ideal for larger scale businesses or industrial premises in any event. Mobberley is accessed by country lanes and does not meet the accessibility requirements of most modern businesses. This contrasts with other industrial and business parks located in Cheshire East, which all have very good access to 'A' roads.

A number of the points made above are considered to be valid. Table 5.3 of the Cheshire East 2011-2012 Annual Monitoring Report indicates there is 328.43 hectares of employment land in Cheshire East. Of this, 5.51 hectares is committed for non-employment uses, leaving 322.92 hectares.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth
- Parkgate Industrial Estate, Knutsford
- South Macclesfield Development Area

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

### **Housing policy and supply:**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*"Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".*

The NPPF clearly states at paragraph 49 that:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be*

*considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2013 published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the

Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.83 year housing land supply with a 5% buffer or 5.1 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 7.9 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

A component of the Council's evidence base is the Strategic Housing Land Availability Assessment (SHLAA) February 2013 Update, which identifies potential sites for housing development across Cheshire East. It is worth noting that the Ilford site is identified by the Council as being one of the sites forming part of the anticipated supply of housing land, being suitable, available, deliverable and achievable for residential development.

Therefore, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Council's 5 year land supply position.

**Need for additional affordable housing in the area and viability issues:**

Policy H8 of the Local Plan requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30% in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally, the Council would expect a ratio of 65/35 between social rented and intermediate housing. In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing.

The site falls within the Mobberley, Chelford and Alderley Edge sub area for the purposes of the Strategic Housing Market Assessment update 2013. This highlights a requirement for 87 affordable homes per annum for the period 2013/2014 to 2017/2018, broken down this is a requirement for 16 x 1bed, 17x 2bed, 11x 3bed and 13x 4plus bed general needs units and 9x 1bed and 22x 2+bed older persons accommodation. In addition, information taken from Cheshire Homechoice (the Council's choice based lettings system) shows there are currently 32 live applicants who have selected the Mobberley lettings area as their first choice. These applicants require 5x 1bed, 13x 2bed and 13x 3bed units.

A Viability report was submitted with the application proposals in order to establish how much affordable housing the applicant is able to provide through the planning application process. The applicant has stated that due to exceptional or abnormal costs to be taken into account, the original included for 5% of dwellings in the development to be affordable. Following discussions and assessment by a financial consultant, the application has increased this affordable housing offer to 15%, with an affordable mix of 50% social housing and 50% intermediate housing. Whilst the housing mix has been agreed, the Council's external advice is that a further viability review is needed and the site could achieve an affordable housing offer of 23%. A further update on this element will be presented at Committee.

Members need also to be aware that the offer to provide the two storey office development comprising approximately 1,431m<sup>2</sup>/15,403ft<sup>2</sup> gross floorspace, should it be deliverable would have an impact on the level of affordable housing provided.

### **Education contribution and school provision issues:**

A development of 375 dwellings would be expected to generate in the region of 68 primary aged pupils and 49 secondary aged pupils. Having looked at the primary schools within a 2 mile radius of the site this identifies Mobberley C.E. Primary, Manor Park, and St Vincents Catholic Primary as the local schools.

That being said, it is not unreasonable in this instance that parents would expect their child to attend the local village school. Therefore only Mobberley Primary School has been considered for capacity.

On this basis The Education Department would require a contribution which would be sought for every pupil that the development is expected to generate. This would equate to a financial sum of £737,548.00. This commuted sum has been secured through this application and would form part of the S106 legal agreement.

An on-site school does not form a part of the current planning application, although the applicant has expressed willingness to work constructively with the Education Department to achieve their aims. The application accords with the Council's SPG on Section 106 Agreements.

### **Creation of new public open space:**

The development proposed within the green belt comprises:

1. Allotments/community growing space;
1. Sports pitch;
2. Changing room;
3. Car parking for allotments and sports pitch;
4. Play areas; and
5. Informal open space surrounding the above.

Guidance on planning for green belts is contained at paragraphs 79 – 92 of the NPPF. Paragraph 89 relates to new buildings. It states:

*'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *buildings for agriculture and forestry;*
- ***provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;***
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use*
- *(excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

Paragraph 90 identifies forms of development that are also not inappropriate. It states:

*'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:*

- *Mineral extraction;*
- ***Engineering operations;***
- *Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *The re-use of buildings provided that the buildings are of permanent and substantial construction; and*
- *Development brought forward under a Community Right to Build Order.'*

Having regard to the policies above, the majority, if not all of the development proposed within the green belt can reasonably be classified as appropriate development. Uses which are not inappropriate are not specified, so there is no clear guidance from paragraph 90 alone that even the existing use as a field (agricultural, even though no productive agricultural use takes place) is appropriate. For guidance on uses, it is necessary to refer to paragraph 89 as well.

In this case, the majority of the works proposed are engineering operations e.g. earthworks to create a level playing pitch. Engineering operations to deliver outdoor recreation space and landscaped buffers are not inappropriate development under paragraph 90, as they do not conflict with the five purposes set out at paragraph 80, which are as follows:

*Green Belt serves five purposes:*

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Secondly, the new changing room is not inappropriate development, as it falls under one of the exceptions at paragraph 89 bullet 2, namely *'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.'* The car park associated with the changing room, and the outdoor play areas would also fall into this category. The allotments/community growing space, being a horticultural activity, can reasonably fall under the exception for agriculture and forestry.

However, even if the change of use from agricultural to public open space is considered to be constitute inappropriate development, very special circumstances arise in this case which fully justify the proposals in any event.

The main issues are:

1. The effect of the proposed new sports pitch and field shelter on the character and appearance of the area and the openness of the Green Belt; and
1. Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The first issue is addressed in the Landscape and Visual Assessment which accompanied the planning application, the conclusions of which were:

- *The proposed temporary and permanent development works would not adversely impact any significant features of ecological, historical or cultural value and any short term effects could largely be made good by remedial works;*
- *The proposed works would not detrimentally affect a National Park / AONB or other Nationally or Regionally significant landscape;*
- *The proposed works would not detrimentally affect a scheduled ancient monument, listed building or other feature of historical note or historically significant landscape / landscape feature;*

*Taken overall, despite the substantial scale of the proposal, the relatively nominal effects on landscape character & quality together with both the generally beneficial and the very limited adverse effects on visual receptors the proposal, when taken as a whole, is considered to be an acceptable feature in the landscape.'*

The Council's Landscape Architect confirmed that there is no visual harm, agreeing with the assessment as set out within the Landscape and Visual Assessment.

There would be only a very slight impact on openness as a result of the changing room building, the engineering operation to create the sports pitch together with the allotments and play areas. The character of part of the field would change from informal grazing land to one of more manicured sports/recreation, but views across it would be retained. There is therefore only a very minor degree of harm to any of the five purposes of green belts identified at paragraph 80 of the Framework.

The 'harm' caused by inappropriateness is clearly outweighed by other considerations. These include that the proposals:

1. Fully accord with NPPF guidance at paragraph 81, which states: *'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as **looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation**; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'*
1. Will formalise and enhance opportunities to access the countryside across previously private land for both the existing and new residents of Mobberley
2. Will provide open space and recreation facilities that the community is presently lacking
3. Will provide open space and recreation facilities that will cater for all age groups and a diverse range of activities, such as working, formal sport (football) play areas for children and allotments/community growing space for adults.
4. Will provide new recreation facilities which frankly, given that Mobberley is surrounded by green belt, could not be provided on non-green belt land in this locality. In other words, the improvement in community facilities being proposed could not otherwise be delivered if not on green belt land.

In conclusion on this element, the Framework advises that substantial weight attaches to the harm to the Green Belt by reason of inappropriateness, but the Framework also encourages the development of outdoor sport and recreation in the Green Belt, which is not inappropriate if it preserves the openness of the Green Belt and does not conflict with the purposes of including land in it. In this case, the harm due to inappropriateness, the slight degree of harm to the openness of the Green Belt due to engineering operations, changing facility and allotments are significantly and demonstrably outweighed by the benefits of the new sport and recreation facilities, a qualitative improvement in playing field provision in Mobberley; and the supply of a substantial area of new housing on the adjacent brownfield land, including affordable units. These advantages amount to the very special circumstances necessary to justify the development.

**Sustainability of the site:**

The applicant has stated that the energy saving that will be achieved by the redevelopment of the Harman site to consolidate the business onto a smaller part of the site, with no reduction in production capacity, would result in a reduction of carbon emissions in excess of 75% of the original site emissions each year and a savings of up to 30% each year by a much smaller, more efficient operation on site.

The National Planning Policy Framework definition of sustainable development is: *"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The site is considered by the SHLAA to be sustainable and is within the village envelope of Mobberley.

The new residential properties would be constructed to target Code Level 3 and the application identifies a variety of potential measures to achieve that goal.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Future residents would also contribute to economic activity in Mobberley.

#### **Impact on highway safety and traffic generation:**

It is intended that the industrial element of the proposed site layout will continue to be used by Harman Technology Ltd, as the number of employees are proposed to remain at similar levels, the amount of trips associated with the industrial use will remain the same that is currently using the road network.

Therefore, it is the impact of residential development of 375 units that needs to be assessed, the applicant has assessed a number of local junctions close to the site and these all will operate well within their capacity. The concern of the Highway Authority is the operation of the congested junctions in Knutsford, especially the junctions of Brook Street/Hollow Lane and Adams Hill/A50 Toft Road where there are extensive queues in the peak hours. Additionally,

there are a number of major approved committed developments in Knutsford that will directly increase traffic flows using these junctions.

It is not accepted that the development will not have a material impact on the Brook Lane/Hollow lane junction. It is also not accepted that the traffic signal model submitted correctly identifies the DoS of the junction and has underestimated the capacity of the junction.

Clearly, it is not accepted that the development does not have an impact and in the absence of any proposed mitigation measures proposed by the developer a highways objection would have to be raised.

To address the congestion problems at both the Brook Street/Hollow Lane and Adams Hill/A50 Toft Road, junctions CEC have, as part of the local infrastructure plan, designed improvements to both these junctions and it is intended that these improvements are funded through developer contributions. As this development will have a direct impact, this application can be acceptable subject towards a contribution of £247,483 being provided based upon the percentage impact of the development on the congested junctions.

In summary, the access to the site is using an existing junction that serves an existing industrial use and is capable of accommodating the additional residential that is proposed. There is no vehicular access to the site from Smith Lane except for an emergency access to the site; this is supported by the Highway Authority as Smith Lane is a narrow rural lane.

In response to issue raised by third parties, the issue of parking on Ilford Way was considered in the submitted Transport Assessment, which took account of the reduced width of the carriageway due to on-street parking and the junction during junction modelling. The junction was still shown to be operationally sound, which suggests that the on-street parking is not affecting junction capacity. Provided the parking provision within the new development meets standards (which would be a reserved matter), then there is no reason to expect an increase in on-street parking of site on Ilford Way.

The traffic impact from the development can be mitigated subject to a financial contribution be provided towards planned infrastructure improvements and subject to the contribution being agreed the Council Strategic Highways Manager would not raise objections to the application.

#### **Noise issues from the adjacent industrial estate and aircraft:**

As stated above, the acoustic environment at this location is substantially affected by:-

- Aircraft noise from Manchester airport flight path;
- Industrial noise from Harmon Technologies existing cooling towers; and
- Railway noise (However, this is not considered significant)

The cumulative impact of the aircraft and industrial noise sources (if not appropriately designed out) would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

The Environmental Health section has assessed the application with reference to current policy and guidance which relates to noise. The assessments follow several meetings with the applicants' agent and specialist noise consultants.

#### NOISE:

The NPPF revoked Planning Policy Guidance 24 (PPG 24) which was previously used to assess noise impacts of planning applications. The NPPF indicates that the Noise Policy Statement for England (NPSE) should be used to define "significant adverse impacts". It further, provides some general guidance to local authorities on taking noise into account in planning policies and decisions. Paragraph 123 of the National Planning Policy Framework (NPPF).

Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

The National Planning Policy Framework states that the planning system should *"prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"*

Another requirement of Paragraph 123 of the NPPF is that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established". Therefore, the proposed new residential development must not impact on the current and future operation of Harmans.

The Macclesfield Borough Local Plan Policy T18 states:

*"In Areas Subject To Daytime Noise Levels Between 57 And 66 Laeq 16hr (0700-2300), And/Or Night-Time Noise Levels Between 48 And 57 Laeq 8hr (2300-0700), Planning Permission For Residential Development (Which Satisfies Other Planning Policies For The Area), Will Only Be Granted If Soundproofing Is Provided To The Satisfaction Of The Local Planning Authority. In Addition, Planning Permission For New Dwellings Will Not Normally Be Granted Where Individual Noise Events Or Aircraft Overflights Regularly Exceed 82 DblA Max (Slow Time Weighting), Several Times In Any One Hour Period Between 2300 And 0700 Hours"*

It is noted that the site is within this zone, however the policy above *does not* mitigate noise in external areas. Whilst the acoustic report states there is nothing in this policy to justify the refusal of planning permission, it is noted that the Macclesfield Local Plan allocates this site for employment use and as such (using the Macclesfield Local Plan) the test of "satisfies other planning policies for the area") fails.

As such the development is contrary to the Macclesfield Local Plan

## AIRCRAFT NOISE

There are no regulatory instruments available to control the noise impact from aircraft noise on the proposed residential dwellings, post development. Therefore, it is essential that amenity issues are appropriately assessed and addressed at the planning application stage. Statutory noise nuisance enshrined in the Environmental Protection Act 1990 does not apply to transportation noise sources.

Aircraft noise propagates differently to road and rail noise. Aircraft noise can cause greater annoyance because it is heard on all sides of a building unlike road/rail noise. Overhead aircraft noise at this location will be heard uniformly in all directions.

## MANCHESTER AIRPORT NOISE IMPACT ASSESSMENT

This site lies under the Manchester International Airport flight-path. The application seeks to introduce noise sensitive dwellings within the 57-63 LAeq 16 hr (daytime) noise contour. The site is subject to aircraft take-off noise for (on average) 80% of the year.

Aircraft noise will negatively impact the proposed noise sensitive dwellings and is contrary to Para 123 of NPPF: Avoid noise from giving rise to a significant adverse impact on health and quality of life.

In order to assess the impact of aircraft noise on the proposed noise sensitive dwellings at this location, reference has been made to Manchester Airport Noise Action Plan 2012.

The noise contours used at Manchester Airport are prepared annually by the Environmental Research and Consultancy Department of the Civil Aviation Authority (CAA). The assumptions on aircraft departure profiles (rate of climb, speed and thrust) are taken from the actual departure profiles for the predominant types of aircraft in use at the Airport (B737-300, B737-800, A319, A320 and B747). Data on time of operation, destination, departure route, aircraft type etc. is all actual data from summer 2012.

## INDUSTRIAL NOISE SOURCES – HARMAN TECHNOLOGIES LTD

Most of the noise sources will no longer exist once Harman Technologies Ltd has transferred its manufacturing operations to the extended and modified building at the south end of the site. This is because no other industrial buildings will exist, although the cooling towers to the east side of the plant will remain in situ. A reduction of sound power levels can be achieved by improved engineering. The impact of the cooling towers on private garden areas and public amenity spaces should be assessed for compliance with BS4142. No noise shall arise at the nearest proposed noise sensitive dwelling due to tonal or impulse noise arising from the

existing cooling towers. For this purpose, suitable conditions can be incorporated to control background noise levels.

It should be noted that there are no controls limiting occupants of the Industrial Estate from undertaking their activity at any time of the day / night 365 days / year. There are also no controls on future occupiers of the industrial estate being noisier than present businesses.

The Noise Policy Statement for England NPSE was published in March 2010. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It also sets out, in paragraph 1.6, the long term vision of Government noise policy: "Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development". The aims of NPSE are: -

- Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.
- Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

As such, it is the Environmental Health Officers view that the development does not comply with the NPSE, especially with regard to aircraft noise.

#### NATIONAL PLANNING PRACTICE GUIDANCE

The National Planning Practice Guidance puts noise impacts into the following bands:

- **Significant observed adverse effect level:** This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- **Lowest observed adverse effect level:** this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- **No observed effect level:** this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Based on the acoustic report submitted, together with site visits and measurements undertaken by officers from the Environmental Health section, the Environmental Health Officer categorises the noise environment as Noticeable and Disruptive. The outcome of this category is that the noise causes a material change in behaviour and/or attitude, e.g. having to keep windows closed most of the time, avoiding certain activities during periods of intrusion. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty getting back to sleep. Quality of life due to change in acoustic character of the area.

As the windows in the dwelling would have to be kept closed (as the mitigation suggests), and following visits to the site, the aircraft noise (take off) interferes with conversation at a 1m distance and would make conversation at greater distances increasingly difficult resulting in a diminished quality of life in outdoor living areas.

On the basis of the above, the recommended action from the Environmental Health Officer is to "avoid" residential dwellings with this relationship.

## OTHER POLICY CONSIDERATIONS

The Air Transport White Paper (ATWP) (The Future of Air Transport, DoT, December 2003) confirms that 57 dB LAeq (16 hour daytime) is the onset of significant community annoyance. The ATWP describes the Department of Transport's policies for the appraisal and management of environmental impacts from aerodromes, including noise. The basic aim stated is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

This policy is further reiterated in the Department for Transport, Aviation Policy Framework, March 2013, section 3.12: The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

This is consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE), which aims to avoid significant adverse impacts on health and quality of life.

## AIRCRAFT NOISE MITIGATION THROUGH LAND USE PLANNING

Sustainable Aviation, Spring 2013, launched the industry's first Noise Road Map, demonstrating how noise from UK aviation will not increase despite a near doubling in flights over the next 40 years. One of the reasons that this will be achieved is by improved land use planning. (The SA Noise Road-Map, A Blueprint for Managing Noise from Aviation Sources to 2050 (Noise Road Map, spring 2013).

The sentiments in this statement are further echoed in the Airports Commission, Discussion Paper 5: Aviation Noise, July 2013 (Independent commission appointed by Government). Details at section 5.3: Only compatible land-use development takes place in areas affected by aircraft noise. This works in two ways:

1. To direct incompatible land use (such as housing) away from the airport environs, and
1. To encourage compatible land use (such as industrial and commercial use) to locate around airport facilities.

Department for Transport, Draft Aviation Policy Framework (2012), recognises that planning has a role to play in controlling the numbers of people affected by aircraft noise.

## NOISE INSULATION AND COMPENSATION

Reference to the Aviation Policy Framework, 2013, section 3.36 - The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq, 16hr or more, assistance with the costs of moving. Section 3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, exposed to levels of noise of 63 dB LAeq, 16 hr or more.

To put this into the context of the application under consideration: if permitted, a proportion of noise sensitive dwellings to the north east of the site would fall into the 63 dB LAeq, 16 hour contour, whereby airport operators would offer acoustic insulation.

## HEALTH IMPACT OF AIRCRAFT NOISE EXPOSURE

The main effects of Aircraft noise exposure are:

- Negative Public Health Impact – hearing loss, hypertension, mental health, cardiovascular disorders, stress, sleep disturbance;

- Detrimental impact on amenity/quality of life – annoyance; and
- Decreased productivity and learning difficulties in children.

#### PUBLIC HEALTH IMPACT

The World Health Organisation has outlined a strong link between cardiovascular disorders and exposure to aircraft noise (WHO, 2011, Burden of disease from environmental noise quantification of healthy life years lost in Europe).

A recent study in August 2013 by Hansell & Blangiardo et al, investigated the association of aircraft noise with risk of stroke, coronary heart disease, and cardiovascular disease in the general population. The results suggest that high levels of aircraft noise are associated with an increased risk of stroke, coronary heart disease and cardiovascular disease.

#### AMENITY & QUALITY OF LIFE

Aircraft noise can intrude on a person's daily life through interrupting desired activities such as having a conversation, breaking concentration or disturbing whilst relaxing. This results in a loss of amenity and reduced quality of life through increased stress and irritation (Heaver, 2002, Attitudes to Aircraft Annoyance around Airports (5A) Focus Group Report EEC/ENV/2002/009).

#### PRODUCTIVITY

The main ways in which noise is linked to productivity are: sleep disturbance impacting upon next day productivity, productivity impact from the health effects of noise, links between academic performance and noise and environmental noise and workplace distraction. (The Airport Commission, An Independent Commission Appointed by Government, Discussion Paper 05: Aviation Noise, July 2013, page 15).

#### APPLICANTS NOISE AND VIBRATION ASSESSMENT

A Noise and Vibration Assessment has been submitted in support of the outline planning application. The noise assessment illustrates, that the site is negatively impacted by aircraft noise, and noise from the existing Harmon Technologies site. The noise mitigation measures identified the main source of noise affecting the site is aircraft from Manchester Airport and noise from fixed plant and processes from Harmon Technologies existing cooling towers and from occasional passing trains.

#### INDOOR ACOUSTIC ENVIRONMENT

Sound insulation specifications have been suggested for all dwellings across the site. In order to achieve the BS8233 reasonable indoor ambient noise levels, the noise assessment has determined that:

- Ventilation shall be provided without the need to open windows (although windows may still be operable at the resident's discretion); and
- Mechanical ventilation system is required for all bedrooms, whilst living rooms shall require acoustic trickle ventilators as detailed.

The acoustic report, demonstrates that the dwellings can be designed to mitigate noise to a satisfactory level. However, residents are still entitled to reasonable acoustic environmental standards. The sound level within a residential building is not the only consideration. Most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

It should be noted that the Environmental Health section ordinarily recommend that developers aim to achieve the stricter “GOOD” standard within indoor living environments.

#### OUTDOOR LIVING AREAS

The World Health Organisation (WHO) Guideline value for community noise for outdoor living areas is 55 dB LAeq (16 hour) (a health based guideline). The author of the applicant’s noise assessment states, that external noise levels across the site is generally between 58-63 dB. Therefore, at this location the existing background noise levels exceed the 55 LAeq WHO guideline for outdoor living areas. Further, the author stipulates, that there is no practical mitigation to reduce noise levels in garden areas.

The aim is to protect future occupiers of new noise sensitive premises, from the noise from existing industrial premises. If residential development is permitted, in close proximity to the existing Harmon Technologies operations; it is reasonable to foresee that amenity will be affected, as the boundaries of statutory noise nuisance will be changed. In this event it is likely that businesses may suffer formal statutory noise nuisance action in the future, when the properties are occupied and this is contrary to policy.

In order to alleviate the potential conflict between both existing and future industrial estate uses and future residents a noise mitigation scheme is proposed and it is considered that the proposed measures would allow for the integrity of the operation of Harmon Technologies site as it operates today, to be maintained.

The mitigation measures, which include acoustic glazing and mechanical ventilation, are not unconventional and meet with current Building Regulations. To achieve the BS8223 noise level the windows would have to remain closed and accordingly mechanical ventilation is proposed. It should be noted that the Noise Assessment Report explicitly confirms the windows will still be operable at residents’ discretion. Mechanical ventilation systems are frequently proposed for new property designs, in locations close to major roads for example. The proposed measures will acceptably mitigate internal areas from noise associated with both aircraft noise and Harmon Technologies site. It is accepted by the Environmental Health Officer that the resulting internal noise levels within the proposed residential properties will be below health-based standards and guidance.

It should be noted that traffic noise and noise from passing trains was recently considered as an issue in an appeal decision for a site in Crewe. In that case, the Inspector considered that as a noise assessment had demonstrated that target internal noise levels in habitable rooms and in external areas could be achieved, the matter could be dealt with by a condition to ensure that the noise protection measures would be carried out.

#### CONCLUSION ON NOISE

The Environmental Health Officer considers that the site is not suitable for residential development. This is due to the inability to mitigate noise from aircraft to a satisfactory level for outside living/amenity areas. Strong concerns are raised that if the development is granted permission, there will be significant adverse impacts on health and quality of life in external areas, arising from existing noise climate at this location. The consideration of air quality, dust control and contaminated land are referenced above.

### **Design, layout and density considerations:**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that: "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy DC38 provides the space, light and privacy guidelines for housing development. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The approach to the residential layout is based around a hierarchy of streets at differing densities to provide distinct character areas. The original masterplan showed how up to 375 dwellings can be accommodated, at an overall average density of 11.1 units per acre (27.5 units per hectare), ensuring that the development is in keeping with the existing density and character of Mobberley village. A central element of the development is an emphasis on permeability, open space and recreation provision. The adjacent unused field will deliver walking routes, allotments/community growing space, play area, sports pitch and changing room.

The lengthened green spine road has been included on the Masterplan, which provides a connection between the northern section of the site and the green linear park and the public open space. It further enhances the overall green network across the site and opens up the access along the northern boundary.

### **The scale of the proposal and any impact of the height, mass, bulk on the character and appearance of the area:**

The applicants have produced both a Design and Access Statement and a Design Code, which examine the indicative details for the final form of the development and provides supporting information for the design of the scheme.

The Design Code and Design and Access Statement provide a detailed character assessment most of which is very attractive and should provide a good and useful guideline for the reserved matters and to ensure that a high quality development is achieved. It sets parameters for key issues such as the street hierarchy, minimum spacing distances between

dwellings, focal buildings, and scale of dwellings, landscape features, and key features of the open space strategy.

### **Amenity implications:**

The indicative layout submitted satisfies the Local Plan separation distances for the two and three storey dwellings. The indicative layout illustrates that satisfactory separation distances can be achieved between the existing buildings on the proposed Harmon Site and Sewage works and the existing houses the boarder the site. It is considered that it should be possible to condition the design code to secure these separation distances which would comply with the requirements of Local Plan Policy DC38.

### **Agricultural Land:**

The proposed development at Ilford Way includes the provision of public open space on land to the east of Harman Technology, on what is currently a privately owned agricultural field.

It is noted that Policy GC13 (Agricultural Land) of the Macclesfield Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (Grades 3b, 4 & 5) in preference to higher quality land.

In this instance, the agricultural field is Grade 3 and due to its limited size and the existing site constraints (i.e. surrounded by development) it does not offer a significant contribution to the high quality agricultural land in the area.

In conclusion, whilst the proposal would result in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

### **Flooding and drainage:**

Policy DC17 of the Macclesfield Local Plan relates to water resources and states that development will not normally be allowed which would be in an area liable to flooding and which would lead to an inadequate surface water run-off provision. Policy SE13 of the emerging Local Plan also states that developments must integrate measures for sustainable water management to reduce flood risk by making sure that development avoids areas of flood risk except in circumstances where a sequential and exception test indicate development is necessary. In these cases, development must be safe without increasing flood risk elsewhere. Furthermore, the emerging policy states that new development must be designed to be sage, taking into account the lifetime of the development, and the need to adapt to climate change.

The NPPF supports the above policies by stating that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Two Flood Risk Assessment have been produced to support the two separate elements of the proposed redevelopment of the site, one for the residential element and the other for the Harman site.

In relation to the new Harman development, the proposed site is not currently within an Environment Agency defined flood zone. A review of the Master Plan shows that the scheme is to be constructed outside of the currently defined flood risk areas and therefore the risk to the proposed development is considered to be negligible. As the scheme is likely to result in impermeable areas (roads and buildings) there will need to be consider some issues regarding storm water drainage so as not to create a flood risk to surrounding areas.

A review of the EA indicative flood mapping and other relevant data indicates that the site is located outside any predefined area that is deemed to be at risk from flooding by rivers and other surface water bodies. There is a potential moderate groundwater flooding risk at the site, however, no evidence of historical flooding has been recorded. Furthermore, a pluvial risk within a small area in the north of the site has been identified, increasing the elevation of this localised area will alleviate any likely pluvial flooding issues.

### **Landscape Implications:**

As part of the application a landscape and Visual Impact assessment was submitted. The assessment includes a proposed development layout, although this can only be considered as an indicative layout for the residential part of the proposals. This indicative layout has been used as the basis for the assessment.

There are no landscape designations within the application area, which lies in an area identified as Urban in the Cheshire Landscape Character assessment 2009. Although the application site is not located within the boundary of the Greenbelt, the surrounding agricultural land to the west, north and east is within the boundary of the Greenbelt. The assessment identifies that there are a number of footpaths that cross the application site, as well as other footpaths in close proximity to the site.

The Council's Landscape Architect has confirmed that landscape impact assessment and visual impact assessment are acceptable. With regard to mitigation, the assessment indicates that existing trees, hedges will be retained where possible and that the existing visual buffering will be supplemented; this also identifies the value of the existing peripheral vegetation, these are identified on the Site and its context section of the Design and access Statement 'Existing Trees and hedgerow' as well as the 'Constraints & Opportunities' plan, although shown on the Initial Masterplan, the existing structural vegetation including trees and woodlands needs to be incorporating this information on a Parameters Plan which could then be conditioned. The peripheral vegetation has a significant and important impact on the site and the loss of some of this could have an immediate and detrimental impact on the proposals.

Additional meeting points across the middle linear park have been illustrated on the Masterplan as requested by the landscape officer

### **Arboricultural Implications:**

The application is supported by an Arboricultural Survey and this assessment is broadly in accordance with the Industry Standard.

The Council's Principal Forestry and Arboricultural Officer has confirmed that it is not anticipated that there will be any significant arboricultural implications associated with parts A and B of the application that cannot be controlled via the appropriate tree protection conditions.

Part C Outline planning permission for dwellings is shown on illustrated plans and indicates existing protected trees (Green Acre and Smith Lane TPO 2004) to the rear of properties on Smith Lane located within Public Open Space. In addition, the woodland belt along the western boundary to the rear of properties on Summerfield Road and to the rear of Rajar Cottages are shown within POS. In this regard it is not anticipated that there will be any significant impact upon these existing protected trees.

The Arboricultural Survey identifies two trees will be lost by virtue of their poor condition; a semi mature Field Maple and semi mature Pine. Two groups of semi mature Sycamore/Alder to the north east of the site identified as 'C' low category trees and a small group of 'C' category Maple, Cypress and Cherry to the North West of the site together with various low category scattered small 'C' category groups of Willow, Scots Pine and Alder will be required for removal to accommodate the proposed indicative layout and access road.

One large mature 'B' category Ash located in the central southern section of the site will also require removal to accommodate the layout. The tree has some associated branch shedding and whilst retention could be considered, the indicative layout would require significant modification to ensure its successful long term retention. The proposed provision of a linear Park and provision of POS that integrates existing protected trees and other trees with significant growth potential mitigates for the likely loss of this particular tree.

The indicative layout shows separation of the residential development by way of an access road to the woodland located offsite to the north of the site. This is to be welcomed; however the position of the access and residential footprint must be designed at detailed application stage to respect Root Protection Areas of adjacent woodland edge trees and allowance for social proximity/future growth potential of trees in relation to built form and private amenity space.

### **Ecological implications:**

The application was supported by an 'Extended Phase One' habitat survey which was undertaken in February. Whilst it was a poor time of year to undertake such a survey, as much of the site proposed for development is occupied by buildings, hard standing and amenity grassland the Council's Ecologist advised that enough information was gathered to assess the broad value of the habitats on site.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that, if it is considered clear or very likely, the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### GREAT CRESTED NEWTS:

Great Crested newts, a European protected species are known to occur in a high proportion of ponds at Mobberley. A number of ponds are located within 250m of the proposed development and a small population of great crested newts has been recorded at a pond on the opposite side of Smith Lane.

The areas of hard standing, amenity grassland and buildings on site are of limited value for great crested newts. The submitted ecological assessment advises that the proposed development is not likely to have a significant impact upon a great crested newts provided the woodland and hedgerows along the western boundary of the site are unaffected by the proposed development. This recommendation has been incorporated into the submitted indicative layout plan with the vast majority of this habitat being retained. It is noted that the removal of a section of hedgerow may be required to facilitate a pedestrian access point, this is however unlikely to have a significant impact upon great crested newts.

To avoid a potential impact upon great crested newts the Council’s Ecologist has recommend that if outline planning consent is granted a condition be attached requiring the retention and enhancement of the woodland and hedgerows along the western boundary of the site in accordance with the submitted indicative plan.

#### COMMON TOAD:

This UK Biodiversity Action Plan species, which is a material consideration, is also likely to be present on site. The Council’s Ecologist has advised that the retention of the habitats described above is also likely to mitigate any significant potential impact upon this species.

#### HEDGEROWS:

Hedgerows are a Biodiversity Action plan priority habitat and a material consideration. They proposed development is likely to result in the loss of two short sections of hedgerow to facilitate the proposed site entrances. It should be ensured at the detailed design stage that

any loss of hedgerows is compensated for through the creation of replacement native species hedgerows.

#### **BATS:**

Two trees to the north of the site have been identified as supporting roosting bats. Based on the submitted indicative layout plan it appears likely that these trees will be retained as part of the proposed development. A further tree (identified as *Tree 10*) which will be lost to the proposed development has been assessed and (following a further survey being received) the Council's Ecologist is now satisfied that tree 10 is not reasonably likely to support roosting bats.

#### **BREEDING BIRDS:**

The Council's Ecologist has recommended that conditions are placed on any approval that would protect breeding birds and that the reserved matters would include some enhancement for breeding birds.

#### **Other material considerations:**

The comments provided by consultees and neighbours in relation to infrastructure issues, highways issues, environmental issues, neighbouring amenity, housing need and affordable housing, design and built environment issues and loss of employment land are noted. It is considered that the majority of issues are addressed in the report above. The majority of issues can be addressed by way of attaching an appropriate condition, or designed out when it comes to the Reserved Matters application.

#### **Phasing:**

In relation to phasing, the key feature is that phase 1 will comprise the development of new premises for Harman before any demolition of existing space or development of new housing commences. Thereafter, the development of the remainder of the site is likely to come forward in phases, over a 3- 5 year period. A phasing condition is proposed that 'none of the residential dwellings hereby approved shall be occupied until the new buildings for HARMAN technology as shown on the Illustrative Masterplan have been completed.' A mechanism for the phased delivery of open space and recreation facilities is proposed in the S106 heads of terms.

#### **CONCLUSIONS**

This is a hybrid planning application that seeks consent for a mixed-use redevelopment comprising:

- D. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting; and
- E. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over ground services, piping and ducting;
- F. Outline planning permission for construction of dwellings, associated infrastructure, landscaping and other associated works (means of access); and

G. An optional outline planning permission for construction of two storey office development comprising approximately 1,431m<sup>2</sup>/15,403ft<sup>2</sup> gross floorspace, with space for approximately 34 parking spaces.

Whilst the application site is allocated for employment uses, it is acknowledged that there is an over-supply of employment land, and it is recommended that the part of the site is released from employment use.

The site is in the village envelope Mobberley and it is considered that the site would be accessible to non-car modes.

The proposal will bring a number of redevelopment benefits namely:

- The delivery of up to 375 residential dwellings comprising a mix of detached, semi-detached, mews, apartments and bungalows. The indicative scheme provides a good mix of housing types. 15% to 23% of which is offered to be affordable;
- Provision of 8.4ha (20.6 acres) of open space; comprising; 18 allotments on approx 0.7 acres, Football pitch, Public open space around football pitch, Car parking for POS/football pitch, Changing rooms to Sport England standards and commuted sum payment to for future management and maintenance; circa £1.175m;
- Extensive landscaping, including a linear park and other incidental open space/landscaping within the residential area, including a three plays areas;
- Highway improvements to provide improved junction access to the site;
- Highways improvements to Knutsford Town Centre at the A537 Brook Street and Adams Hill. The amount of contribution would be £247,483;
- The site is unviable for further employment use and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area;
- An education contribution of £737,548;
- Increased spending in the local economy (*£5.5m of additional retail spending generated within Mobberley and £3m of additional leisure spending generated*);
- New construction jobs. The construction phase of the development would provide up to 563 full time equivalent jobs in the construction sector over 1 5 year period;
- New Homes Bonus. A development of up to 375 houses would generate approximately £3.25 million from the New Homes Bonus Scheme to CEC for investment in the local area;
- The site is previously developed, within the village envelope of Mobberley and has good access to the road network;
- There is an identified shortage of housing supply and a need for affordable housing; and

- The site is deliverable.

The above factors need to be weighed against the clear concerns from Environmental Health which relate to the suitability of the site for residential development. The issue being the combined impact of industrial noise and aircraft noise impacting on the site.

To protect internal habitable spaces, residential noise sensitive properties will require acoustic mitigation in the form of acoustic glazing, combined with full mechanical ventilation and heat recovery systems to ensure that habitable rooms can achieve compliance with the “good” BS8223 standard.

It is acknowledged that it is impossible to mitigate the severe impact of aircraft noise on external gardens / amenity areas and this is contrary to the NPPF and NPSE.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing in an existing settlement where there is existing infrastructure and facilities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

Whilst the proposal will result in the loss of some grade 3 agricultural land, it is considered that the benefits of the delivering the site for much needed housing and affordable housing would outweigh this loss.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered on balance to be acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment land and the provision of housing in accordance with future policies, which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

#### **Heads of Terms for a Legal Agreement:**

- **15% to 23%** Affordable Housing (50% social or affordable rent, and 50% intermediate tenure);
- A contribution of **£737,548.00** is required towards primary education;
- A contribution of **£247,483.00** towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill;
- Undertaken to provide a detailed Travel Plan for both the residential and commercial parts of the development to reduce traffic on the local highway network;
- Speculative new build office space (15,403 sq ft) of speculative across 2 floors with 34 car parking spaces, to be developed if demand can be established through a 36 month agreed marketing process and period;

- Provision of 8.4ha (20.6 acres) of open space (estimated cost £925,000) comprising; 18 allotments on approx 0.7 acres. Including a Football pitch, Public open space around football pitch item, car parking for POS/football pitch, changing rooms to Sport England standards (**Circa £925,00.00**);
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. (**Circa £250,00.00**);
- Provision of a LEAP, two LAP's and a linear park and other incidental open space/landscaping within the residential area;
- Alternatively, arrangements for the residential open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement; and
- Further viability testing throughout the development.

## **Community Infrastructure Levy (CIL) Regulations**

### **LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- a) Necessary to make the development acceptable in planning terms;
- a) Directly related to the development; and
- b) Fair and reasonably related in scale and kind to the development.

The provision of affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide up to 375 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for primary school places in Mobberley, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions that are already congested and the required mitigation is directly related to the development and is fair and reasonable.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

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*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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#### Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A06OP - Commencement of development (phasing)
2. A03OP - Time limit for submission of reserved matters (phasing)
3. A01OP - Submission of reserved matters (appearance, landscaping, layout and scale)
4. A02OP - Implementation of reserved matters (phasing)
5. A09OP - Outline residential scheme in compliance with design code
6. A01AP - Outline residential development in accord with approved plans
7. A01OP\_1 - Full industrial redevelopment in accord with approved plans
8. A23MC - Details of ground levels to be submitted
9. A01MC - Reserved Matters to include Site Construction Environmental Plan
10. A01MC\_1 - Reserved Matters to include noise mitigation scheme
11. A01MC\_2 - Review of noise mitigation scheme
12. A01MC\_3 - Industrial Noise Condition (from all fixed plant and machinery)
13. A01MC\_4 - Industrial Noise Condition (Noise measurements and assessments)
14. A01MC\_5 - Travel Plan
15. A01MC\_6 - Electric car charging points
16. A03MC - Construction Management Plan (hours of work/deliveries/Pile foundation/site compound)

- 17.A17MC - Decontamination of land
- 18.A06EX - External materials (for each phase)
- 19.A04EX - Surface materials (for each phase)
- 20.A17LS - Boundary treatments (for each phase)
- 21.A02LS - Landscaping for industrial scheme
- 22.A03LS - Landscape implementation for industrial scheme
- 23.A01LS - Landscape management for industrial scheme
- 24.A02TR - Tree protection
- 25.A07TR - Service / drainage layout
- 26.A08TR - Arboricultural Impact Assessment
- 27.A17LS\_1 - Protection of breeding birds
- 28.A19LS - Breeding bird enhancements
- 29.A08MC - Lighting details to be approved
- 30.A09MC - Details of bins and serving
- 31.A06BC - Access laid out for each phase
- 32.A02CA - Secure cycle storage
- 33.A02EX - Public right of way safeguarding
- 34.A04EX\_1 - Surface water details
- 35.A07EX - Foul surface water details
- 36.A08EX - Other relevant requested UU/EA conditions

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